

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 11, 2000  
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Kevin Clark, Layperson, Inter-faith Ministries.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The minutes of the regular meeting of January 4, 2000, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PROCLAMATIONS      Proclamations previously approved were presented.

RECOGNITION      City Manager Chris Cherches was recognized for being awarded the Kansas Association of City Managers Buford M. Watson Award for Excellence in Management

RECESS      The City Council recessed at 9:30 a.m. to a reception honoring the City Manager and reconvened at 10:00 a.m.

## NEW BUSINESS

**KELLOGG FREEWAY**      **KELLOGG/WOODLAWN INTERCHANGE**. (District II)

Steve Lackey      Director of Public Works reviewed the Item.

Agenda Report No. 00-0042.

On June 10, 1997, the City entered into an Agreement with Cook, Flatt and Stroble (CFS) to begin preliminary design on East Kellogg, from Edgemoor to K-96. The preliminary design was to be developed to a point so construction estimates could be made and right-of-way requirements could be determined.

The design effort began using the Design Concept Study prepared by Howard Needles Tammen and Bergendoff (HNTB) in 1990. It was not possible to implement some of the features of the Design Concept Study. However, a design that uses the Design Concept as its basis has been developed, and is referred to as the "Original Design" in this Agenda Report.

Several business owners expressed concern with the "Original Design." Their primary concerns were with the one-way frontage road system and with the lack of access to Armour Road from the Kellogg freeway.

Staff put together a panel to study the original plan, and develop alternatives that would attempt to address the concerns of the business owners. This panel consisted of senior design professionals from several consulting firms involved in freeway designs throughout the United States, as well as professional staff from the Federal Highway Administration and the Kansas Department of Transportation. Robinson, Stafford and Rude, a consulting firm that specializes in value engineering, was retained to moderate the panel's deliberations. Interested parties in the Corridor were allowed to present their concerns to the panel.

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The panel developed several alternatives for study:

Alternative 1: Modified Design (Option 1) that changed the function of several ramps. This option enhances access to and from Armour Road. It also adds free-flowing u-turns at several locations. This option is acceptable.

Alternative 2: Two-way frontage road system that improved circulation along the Corridor and eliminated all ramps between the west side of Oliver and the east side of Rock Road. This option is not recommended because unacceptable levels of service for traffic on both the frontage road system and freeway are created.

Alternative 3: Two-way frontage road system proposed by the auto dealers. These systems have been reasonably successful in situations where frontage road traffic is extremely low. However, where traffic volumes have increased to the levels that exist on East Kellogg, these systems are being replaced with one-way systems. The cost of these retrofits run into billions of dollars, in Oklahoma alone. This option is not recommended.

Alternative 4: Improve circulation in the Corridor by eliminating barriers between businesses. This would allow circulation across parking lots. Orme Street, which is behind the businesses on the south side of Kellogg, would be upgraded after the freeway is constructed. The adjoining business owners have agreed to provide the right-of-way necessary to improve Orme Street. This alternative is acceptable, but some of its features are beyond the control of the City.

The East Kellogg project development is currently in an extended Concept Selection and Approval stage. Our Consultant has reviewed all kinds of proposals, such as "jug-handles", two-way frontage roads, etc. For the project to move forward, the City Council must adopt a concept that can be used to prepare final plans. Until a concept is adopted, and preliminary design is completed, environmental studies cannot begin. If we hope to use external funding sources (Federal/State), we must receive Environmental Clearance before we begin right-of-way acquisition activities. It is noteworthy that once concept approval is obtained, that beginning construction is still 3 years away.

The estimated cost of the Kellogg/Woodlawn Interchange project is \$60 million. The funding source for the project is Local Sales Tax, however, the project has been submitted as a System Enhancement Project. If selected as a System Enhancement project, the Kansas Department of Transportation would fund the cost of construction, which is estimated to be \$31 million. An Ordinance has been prepared that authorizes funding for the project. This is CIP Project F-31.

The Agreement with CFS, dated June 10, 1997, provides that CFS, when authorized by the Supplemental Agreement, will prepare final construction plans. The Supplemental Agreement provides these services. Payment to CFS will be on a cost plus fixed fee basis in an amount not to exceed \$1,721,275.

Mayor Knight

Mayor Knight said the City must find a way to move traffic from east to west and Kellogg is the logical corridor. This project is very complicated and has profound implications for people who have to move and businesses that are affected. This also has clear implications to Eastborough whose leaders have responsibilities to look out for the interests of their City.

Mayor Knight said he has been heartened with the community's desire to work together to solve problems and achieve benefits for the over all good of the community.

It is unacceptable to wait three years to begin construction of this portion of the corridor. The project ought to be finished by the Fall of 2003.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Steve Lackey

Director of Public Works, responding to questions, said traffic would be carried through the area throughout construction. When the construction sequencing is developed, Staff would look at Orme at the same time for possible phasing in of Orme improvements.

It will be necessary for the auto dealers to get together to determine how the access between properties would work; however, Staff will help work out the details.

Motion --  
-- carried

Knight moved that alternatives one and four be selected and approved; the Supplemental Agreement be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

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## ORDINANCE

An Ordinance, declaring Kellogg (U.S. 54) from Sylvan Lane to Gouverneur Road to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same; repealing Ordinance No. 41-806 of the City of Wichita, Kansas; and repealing Ordinance No. 43-306 of the City of Wichita, Kansas, introduced and under the rules laid over.

### IRB- CAMBRIDGE.

#### **PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS - THE QUARTERS AT CAMBRIDGE.** (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0038.

On June 8, 1999, City Council approved a reinstatement and extension of the January 5, 1999 Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$13,095,000, issued to The Quarters At Cambridge, L.P. The Quarters At Cambridge, located on 21st Street, east of Webb Road in northeast Wichita, is requesting City Council issue Industrial Revenue Bonds in the amount of \$11,521,000.

The Quarters At Cambridge, L.P. is a Wichita-based partnership with partners being Fred L. Hanley and Santo M. Cantanese. Bond proceeds will be utilized to finance acquisition of land, construction and equipping of a 194-unit luxury apartment complex. Substantial completion of construction of the luxury apartment complex has been secured.

An analysis of the estimated uses of project funds is:

#### USES OF FUNDS

Land & Improvements	\$10,921,000
Personal Property	<u>600,000</u>
Total Cost of Project	\$11,521,000

The Quarters At Cambridge, L.P. has complied with the City's Business Incentives Policy.

The Quarters At Cambridge, L.P. agrees to pay all costs of issuing bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Quarters At Cambridge, L.P. is not requesting a property tax exemption in conjunction with the Industrial Revenue Bond issue. The Quarters At Cambridge, L.P. will make a contribution to the City in the amount of \$100,000 for use in a public improvement project to be designated by City Council.

Bond documents needed for issuance of bonds have been prepared by Hinkle Elkouri, L.L.C., bond counsel for the project.

Council Member Rogers left the Bench.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Pisciotte moved that the public hearing be closed; the bond documents be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

## ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable Industrial Revenue Bonds for the purpose of providing funds to acquire, construct and equip a residential rental facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of various documents relating to the issuance and security for the Bonds, the Lease of the residential rental facility to the Quarters at Cambridge, L.P., and the sale of the Bonds, introduced and under the rules laid over.

Council Member Rogers present.

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## WATER SYSTEM

### PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ALONG WACO/MINNIE AVENUE, SOUTH OF 55TH STREET SOUTH. (District IV)

Mayor Knight momentarily absent with Vice Mayor Rogers in the Chair.

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0040.

The signatures on the Petition represent 41 of 67 (61.2%) owners and 57% of the improvement district area. CPO Council 4 considered the Petition on December 9, 1999. The Council voted (5-0) to recommend approval of the project.

The improvement district is located outside the Wichita city limits. Currently, the area is served by private water wells. Residents report that the groundwater is of very low quality.

The estimated project cost is \$200,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment is \$00.16 per square foot of ownership.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Karen Everhart

Karen Everhart said she was familiar with the issues; however, the petition has been presented in a misrepresentative fashion.

The water currently available is adequate in quality and quantity.

Mrs. Everhart asked that the project be postponed and be evaluated by engineers.

Council Member Gale

Council Member Gale said there are various reasons for people wanting water and this was a petition signed by a substantial number of residents in the district.

Motion --  
-- carried

Gale moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Knight absent)

### RESOLUTION NO. R-00-006

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89446 (along Waco/ Minnie Avenue, south of 55<sup>th</sup> Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## WATER SYSTEM

### PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE AN AREA SOUTH OF 55TH STREET SOUTH, EAST OF SENECA. (District IV)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0039.

The signatures on the Petition represent 7 of 11 (63.6%) owners and 62.3% of the improvement district area. CPO Council 4 considered the Petition on December 9, 1999. The Council voted (5-0) to recommend approval of the project.

The improvement district is located outside the Wichita city limits. Currently, the area is served by private water wells. Residents report that the groundwater is of very low quality.

The estimated project cost is \$60,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment is \$00.32 per square foot of ownership.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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Motion --  
-- carried

Gale moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-00-007

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89445 (south of 55<sup>th</sup> Street South, east of Seneca), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## PAVE EDWARDS

### PETITION TO PAVE EDWARDS FROM 25TH STREET NORTH TO 26TH STREET NORTH. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0041.

The signatures on the Petition represent 9 of 15 (60%) resident owners and 55.3% of the improvement district area. On December 15, 1999, CPO Council 6 considered the Petition. The Council voted 5-0 to recommend approval.

Edwards, from 25th Street North to 26th Street North, is a sand road that provides access to an area comprised predominately of single-family homes.

The project budget contained in the Petition is \$111,000, with the total assessed to the improvement district. It has since been determined that the scope of the project should be expanded to include the intersection of Edwards at 26th Street North. The estimated cost of the intersection paving is \$21,000. The funding source is General Obligation Bonds. The estimated rate of assessment is \$00.43 per square foot of ownership.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Mike Lindebak

City Engineer said there had been a person present earlier who wanted it to be known that they were against the project because the assessment would create a financial hardship.

Motion --  
-- carried

Cole moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-00-008

Resolution of findings of advisability and Resolution authorizing improving of Edwards, from 25<sup>th</sup> Street North to 26<sup>th</sup> Street North, 472-83180, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Cole moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## TAX EXEMPT REQUEST PUBLIC HEARING AND TAX EXEMPTION REQUEST - CONTEMPORARY COMMUNICATIONS, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0037.

Contemporary Communications, Inc., (CCI), located at 435 N. Mosley in central Wichita, was locally formed in 1975. Originally Wichita Word Processing, CCI has evolved with technology to become one of the foremost manufacturers of printed materials in the Midwest. As a result of sustained growth in sales, CCI is planning an expansion of their manufacturing capacity, including acquisition of new manufacturing equipment in the amount of \$3,017,900. CCI is now requesting approval of a five-year 100% Economic Development Tax Exemption on new manufacturing equipment, in conjunction with the expansion project.

CCI is a direct mail marketing firm serving local, regional and national clients. CCI designs, produces and distributes a wide variety of printed materials. CCI's finished products include data base publications, loan

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repayment booklets, credit card statements, invoice systems and numerous advertisement publications. CCI's design, production and distribution of complex color publications requires advanced computer controlled sorting, folding, banding, embossing, and color laser printing. Under the current expansion project, CCI will become only one of five companies in the United States to utilize a specialized embossing process. Newly acquired equipment will enable CCI to emboss account information on credit cards. The existing four U.S. companies with specialized embossing capability can not deliver finished products to customers in less than six months. CCI has identified the embossing process as a viable niche market and plans to deliver finished products much faster via new high-tech equipment and trained personnel.

CCI currently employs 80 persons at its existing facility and plans to add at least 170 new jobs over the next five years by expanding operations through acquisition of new manufacturing equipment. In addition, CCI is relocating from the 50,000 S.F. facility at 435 N. Mosely to a 86,000 S.F. facility at 630 N. Pennsylvania. CCI will lease the new facility for five years.

The expansion project is itemized in Exhibit I. Under the City's Business Incentives Policy, Contemporary Communications, Inc. is eligible for the following:

## TAX EXEMPTION ELIGIBILITY

<u>ELIGIBLE %</u>	<u>INCENTIVE</u>	<u>EXPLANATION</u>
100.00%	New Job Creation:	CCI will create at least 170 new jobs.
31.00%	Capital Improvements:	CCI will invest at least \$3,017,900.
50.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
40.00%	Export Premium:	CCI exports 80% of its product outside Kansas.
40.00%	Sub Total – Export Premium (Maximum allowed is 50%)	
20.00%	Location Premium:	CCI is located in the central redevelopment area. (additional 20% allowed)
100.00%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

CCI is eligible for a 100% tax exemption for a five-year term on new manufacturing equipment. A notice of public hearing has been published. CCI has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

The estimated first year taxes on the proposed \$3,017,900 project under the current mill levy on property within the Wichita City limits would be \$75,468. The existing building and personal property will stay on the property tax rolls. CCI's expansion project includes only personal property, therefore CCI is eligible for a five-year exemption period. The tax exemption will be shared among the taxing entities as follows: City - \$23,586; County/State - \$23,479; and USD 259 - \$28,403. Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios of 1.83 to 1 for the City of Wichita; 2.46 to 1 for Sedgwick County; 1.02 to 1 for USD 259 and 7.80 to 1 for the State of Kansas.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed and the Ordinance granting a 100% tax exemption on personal property improvements for a five-year term, subject to City Council review be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption, and describing the property of Contemporary Communications, Inc., so exempted, introduced and under the rules laid over.

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(The Council proceeded to take up Item 11; action is shown in Agenda Order.)

Mayor Knight left the Bench; Vice Mayor Rogers in the Chair.

## **CONSOLIDATED PLAN    HUD CONSOLIDATED PLAN - SUBSTANTIAL AMENDMENT.**

Tom Smith

Grants In Aid Coordinator reviewed the Item.

Agenda Report No. 00-0043.

On August 17, 1999, the City Council approved submission of an application for a Wichita One-Stop Career Center to the Kansas Department of Human Resources. As a part of the application, the City Council approved \$1 million dollars in CDBG funds as match for the One-Stop funding for facility acquisition and renovation. The City of Wichita was awarded One-Stop Center funding in amount of \$574,500.

On December 7, 1999, the City Council approved \$88,760 in unexpended CDBG funds for two Environmental Health Inspectors for the Health Department. The funds were approved due to the due to the loss of State funding for one position and a substantial increase in environmental code violations.

Under the City's approved HUD Consolidated Plan, the addition of these activities constitute a substantial amendment to the Plan. To use the funds previously approved by the City Council, HUD rules require the City to: (1) publish for thirty day public comment the proposed use of funds; (2) hold a public hearing; and, (3) approve and submit to HUD a substantial amendment to the 1998/99 and 1999/2000 program years.

A thirty day comment period was provided during the period October 30, 1999 through November 30, 1999 for the Environmental Inspectors and November 20, 1999 through December 19, 1999 for the One-Stop Career Center. No comments were received.

Funds are available in the 1998/99 and 1999/2000 program years for the approved activities.

A public hearing is required to be held before the substantial amendment is approved.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --carried

Pisciotta moved that the public hearing be closed and the amendment be approved. Motion carried 6 to 0. (Knight absent)

## **ELECTRICAL CODE**

### **ORDINANCE CHANGES TO THE CITY OF WICHITA ELECTRICAL CODE (TITLE 19) PERMIT FEE INCREASES.**

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 00-0044.

The electrical inspection section of the Office of Central Inspection is funded primarily by residential and commercial electrical permit fees. Electrical contractors are required to obtain electrical permits on all electrical work installed in the City limits, with the exception of one and two-family residential structures where a combination building permit can be purchased by a general contractor.

Due to increasing salary and operating costs, car rental, etc., it is necessary to periodically increase the itemized electrical permit fee table included in Title 19. No adjustments have been made to this table since 1992. The fee table is based on the number and types of electrical items installed by an electrical contractor at a given location.

The proposed revisions have been reviewed and unanimously approved by the Board of Electrical Appeals on November 9, 1999. Representatives from the Independent Electrical Contractors and the National Electrical Contractors Association are members of the Board and were present at the meeting.

The minimum electrical permit fee would be increased from \$18 to \$25. The total projected increase to the annual OCI electrical section revenue will be approximately \$25,000.

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Estimated electrical section expenditures for the year 2000 will be approximately \$267,500. If approved, the year 2000 projected electrical section revenues should increase to approximately \$270,000.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Rogers moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance amending Section 19.08.150 of the Code of the City of Wichita, Kansas; and repealing the original thereof; all pertaining to the Electrical Code of the City of Wichita, Kansas, introduced and under the rules laid over.

## DOCUMENT SIGNING

### OFFICIAL SIGNATURE OF DOCUMENTS.

Agenda Report No. 00-0045.

Under the current ordinances, the Mayor of Wichita has the ministerial duties to sign official documents on behalf of the City, including contracts, plats, grants, and many other official actions taken by the City Council. The numbers of these signatory documents can number approximately 5,500 in any given year and take considerable time to review/execute. The City Council, by ordinance, may allow for the delegation of this function to the City Manager, City Clerk or others when deemed necessary.

The proposed ordinance would permit the Mayor to delegate to the City Manager the authority to sign specified documents, once approved by the City Council. In addition, the Mayor could delegate his authority to place his/her facsimile signature on any specified documents upon approval by the City Council - once written authority is filed with the City Clerk or set by City Council policy. The Mayor may not delegate the authority to sign ordinances adopted by the City Council; nor would documents to be notarized be approved for facsimile signatures. If the City Council approves of this delegation, such authority could be determined or changed by the Mayor or City Council at any time or terminate at the end of the term of office.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Rogers moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance amending Section 2.04.030 and creating Section 2.04.035 of the Code of the City of Wichita, Kansas, pertaining to the signing of documents and instruments by the Mayor and repealing the original of Section 2.04.030, introduced and under the rules laid over.

## PROPERTY DISPO.

### SALE OF SURPLUS PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HILLSIDE AND LEWIS. (District II)

John Philbrick

Property Management Director reviewed the Item.

Agenda Report No. 00-0046.

An offer of \$124,000 has been received from Stan Chilton for the City-owned parcel located on the west side of Hillside between Lewis and Kellogg. The tract was acquired from several owners in 1974 and 1975 in conjunction with the construction of the Hillside-Kellogg interchange. The site was originally developed with residential properties. These were removed, some of property along the south edge was utilized for right-of-way and access to Hillside was deleted. The site is currently not zoned. It was approved for surplus in the mid-1980's. Since that time, it has been advertised, signed and included in mailings. The City's ownership interest is actually a permanent easement. The purchaser has the underlying ownership interests for about half of the site. The purchaser has been trying to locate the other prior owners since 1987 with no success. The offer is predicated on the City condemning out the underlying fee on the remaining portion of the site. The purchase parcel contains approximately 74,070 square feet.

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The fee simple value of the tract was appraised at \$124,000 or \$1.67 per square foot. The purchaser has offered this amount for the site. He intends to develop the site, along with adjacent land that he also owns, with high-end mini-warehouses. Access will be from Lewis with no direct access to Hillside and no change in the Hillside median. The purchasers are responsible for rezoning, platting, etc. The purchaser will pay the administrative costs of the eminent domain action. The City will be responsible for paying the award and will have the option of not paying if it is deemed excessive. It is felt that, due to the nature of the ownership interest, any award will be nominal.

The City will receive cash consideration from the sale of the property at closing. Any award amount will be paid from this consideration. As mentioned, the purchaser will pay the administrative costs of the eminent domain action. KDOT participated financially in the original acquisition of the site, so part of the funds will be refunded to them in the same ratio as their original acquisition. Upon sale, this property will return to the tax rolls.

The City is authorized by law to commence eminent domain proceedings to obtain the underlying fee.

Council Member Pisciotte Council Member Pisciotte clarified that the responsibility for zoning and platting lies with the owners, not with the City.

Motion -- Pisciotte moved that the sale be approved; the Ordinance placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for property located at the southwest corner of Hillside and Lewis in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands, easements, and access control, therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

(Mayor Knight present and in the Chair.)

**GO BOND/NOTE SALE**  
(Item No. 11) **GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 200) AND GENERAL OBLIGATION BOND SALE (SERIES 758 AND 759).**

Agenda Report No. 00-0047.

The City is offering for sale one series of General Obligation Temporary Notes totaling \$33,300,000 and two series of General Obligation Bonds totaling \$12,775,000 for the purpose of providing temporary and permanent financing for duly authorized capital improvement projects of the City.

The proceeds of the Series 200 Temporary Notes will be used to provide interim financing for various City-at-large and improvement district projects. The proceeds of the Series 758 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. The proceeds of the Series 759 Bonds will be used to permanently finance various City-at-large capital improvement projects.

Sealed bids will be accepted until 10:30 a.m. CST at the City Council Office, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at 11:30 a.m. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest net interest cost to the City.

The Series 200 Temporary Notes will mature August 24, 2000, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 758 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 759 Bonds will mature over ten years and will be paid from the citywide mill levy for debt service and the revenues accruing to various City enterprise funds. The Series 758 and 759 Bonds will be callable in 2007 and 2005, respectively, with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Bond Ordinances which have been prepared by Bond Counsel.

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Ray Trail

Director of Finance reviewed the low bids as follows:

G.O. Improvement Temporary Notes, Series 2000	-	\$33,300,000
Salomon Smith Barney	4.020 Net Average Interest Rate	
Total Interest Cost to Maturity at Rate Specified		\$749,250.00
Less Premium		\$ 79,920.00
Net Interest Cost to Maturity		\$669,330.00
General Obligation Bonds - S.A., Series 758	-	\$7,675,000
A.G. Edwards & Sons	5.4501 Net Average Interest Rate	
Total Interest Cost to Maturity at Rate Specified		\$3,968,932.92
Less Premium		- 0 -
Net Interest Cost to Maturity		\$3,968,932.92
General Obligation Bonds - G.O., Series 759	-	\$5,100,000
Determined by coin toss:		
Salomon Smith Barney	5.149429 Net Average Interest Rate	
Total Interest Cost to Maturity at Rate Specified		\$1,531,955.00
Less Premium		- 0 -
Net Interest Cost to Maturity		\$1,531,955.00

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved the sale of the Bonds and Temporary Notes be awarded as outlined above; the Declaration of Emergency be approved and the Bond and Note Ordinances be adopted on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## ORDINANCE NO. 44-474

An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 200, of the City of Wichita, Kansas, in the total principal amount of \$33,300,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto.. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## ORDINANCE NO. 44-475

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 758, of the City of Wichita, Kansas, in the total principal amount of \$7,675,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the Bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the Bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the Bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## ORDINANCE NO. 44-476

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 759, of the City of Wichita, Kansas, in the total principal amount of \$5,100,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the Bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the Bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the Bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

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(Mayor Knight absent)

## CITY COUNCIL AGENDA

### SNAP-IT

### SNAP-IT AD HOC TASK FORCE.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0049.

On December 14, 1999, the City Council restructured the citizen involvement process and took action to discontinue several boards/commissions, including the Commission on the Status of People with Disabilities. It was suggested by Council member Cole that an ad hoc advisory Committee be created to review and provide recommendations on the Snap-It Program. The Snap-It Program was created to provide education and enforcement of accessible parking for the disabled.

The proposed Resolution allows for the creation of a five-member advisory ad hoc Committee for the Snap-It Program. The Committee will be charged with reviewing the current effort; researching best practices of other communities; and providing recommendations to the City Council. The Committee would be convened when necessary by call of the Chair, or by call of the City Council. The Committee will be comprised of interested individuals. No staff support is contemplated for the Committee. The Committee will be discontinued at the end of the year unless extended by the City Council.

Council Member Cole

Council Member Cole said she hoped Staff would be able to provide minimum support.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Cole moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

### RESOLUTION NO. R-00-009

A Resolution of the governing body of the City of Wichita, authorizing the creation of an Ad Hoc Committee for the Snap-It Program, presented. Cole moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

### APPOINTMENTS

### BOARD/COMMISSION APPOINTMENTS.

Motion --  
-- carried

Cole appointed Stan Harrison to the Snap-It Ad Hoc Task Force and moved that the appointment be approved. Motion carried 6 to 0. (Knight absent)

Motion --  
-- carried

Martz appointed Shirley Yountz to the Snap-It Ad Hoc Task Force and moved that the appointment be approved. Motion carried 6 to 0. (Knight absent)

Motion --  
-- carried

Rogers moved that the Sedgwick County nominations to the Wichita Airport Advisory Board, as follows: Jay Swanson (Gwin), Elizabeth Kinch (Hancock), Dion Avello (Sciortino), Garrison (Winters), and Dorothy McKay (McGinn) be appointed. Motion carried 6 to 0. (Knight absent)

Motion --  
-- carried

Pisciotte moved that the President of REAP, Mayor Jeff Roberts of Hutchinson, be appointed to the Airport Advisory Board. Motion carried 6 to 0. (Knight absent)

### PROCLAMATIONS

### PROCLAMATIONS.

Motion -- carried

Rogers moved that Proclamations be authorized. Motion carried 6 to 0. (Knight absent)

### CONSENT AGENDA

Rogers moved that the Consent Agenda, except Items 24 and 28, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Knight absent)

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## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 10, 2000.

Bids were opened January 7, 2000, pursuant to advertisements published on:

1999 sanitary sewer reconstruction program - Phase 8 - at various locations. (468-83054/620276/669401) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: January 26, 1999. (Districts II, III and VI)

WB Carter Construction - \$86,770.00

Paving Mead from Douglas to First Street - Mead, north of Douglas. (472-82855/764522/490555) Access shall be provided through construction. City Council approval date: August 12, 1997. (District VI); AND Waterline replacement, Mead from Douglas to First Street - Mead, north of Douglas. (448-89217/634915/544146) Access shall be provided through construction. City Council approval date: August 12, 1997. (District VI)

Cornejo & Sons Construction - \$827,770.50 (Total base bids with add alternates)

Water line in Market from First Street North to Central - west of Broadway, south of Central. (448-89352/636087/779167) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: June 22, 1999. (District VI)

Mies Construction - \$181,480.00

Water distribution system to serve Belriv Addition - north of Kellogg, west of 159th Street East. (448-89395/734941/470611) Does not affect existing traffic. City Council approval date: June 8, 1999. (District II)

Mies Construction - \$56,167.00 (Negotiated at Engineer's estimate)

2000 utility cut repair of streets, driveways, and sidewalks - at various locations. (/132035/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: August 10, 1999. (District all)

Northern Pipeline Construction - \$1,199,750.00 (Engineer's estimate)

Rogers moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## LICENSE APPS.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
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Vernon J. Blasi	Blasi Tire Center, Inc.	11209 West 54 HWY
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(Consumption off Premises)

Kahns, Dwayne	Sunrise Amoco	6327 East 13th Street
Pat Edwards	Sav-A-Trip, Inc. #29	11931 West Central

\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried

Rogers moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Knight absent)

## PLANS AND SPECS.

### PLANS AND SPECIFICATIONS.

a. 55th Street South Bridge over Big Slough - east of Broadway, at 55th Street South. (87 N-0123-01/472-83041/448-83381/468-83056/715678/635605/621326/240086/769665/533243) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/11/2000. (District IV)

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Motion -- Rogers moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of  
-- carried Bids and Contracts by 10:00 a.m., February 18, 2000. Motion carried 6 to 0. (Knight absent)

## SUBDIVISION PLANS AND SPECIFICATIONS.

a. Pawnee Court from the south line of Pawnee, to and including the cul-de-sac to serve Wilderness at the Park Addition - south of Pawnee, east of Maize. (472-82385/765597/490708) Does not affect existing traffic. City Council approval date: 6/8/1999 (District V)

b. Lateral 380, Southwest Interceptor Sewer to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (468-82724/743817/480505) Does not affect existing traffic. City Council approval date: 7/15/1997 (District V)

c. Water distribution system to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (448-89154/734946/470616) Does not affect existing traffic. City Council approval date: 7/15/1997 (District V)

Motion -- Rogers moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of  
-- carried Bids and Contracts by 10:00 a.m., 10:00 a.m., January 21, 2000. Motion carried 6 to 0. (Knight absent)

## DEDICATION

### DEDICATION.

Dedication dated August 2, 1999, from Clifford A. Nies for a tract of land in the southwest quarter of section 33, township 27 south, range 2 east of the 6th P.M., Sedgwick County, Kansas. (Pawnee - Oak Knoll to Webb - OCA 706782) (no cost to City)

Motion -- carried Rogers moved that the dedication be received and filed. Motion carried 6 to 0. (Knight absent)

## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners, 11-8-99  
Board of Park Commissioners, 12-20-99  
CPO Northeast Council 1, 12-13-99  
CPO East Council 2, 12-13-99  
CPO Southeast Council 3, 12-9-99  
CPO Southwest Council 4, 12-9-99  
CPO Northwest Council 5, 12-15-99  
CPO North Central Council 6, 12-15-99  
Deferred Compensation Board of Trustees, 12-9-99  
Metropolitan Area Planning Commission (MAPC), 10-28-99  
Wichita Employees' Retirement System, 11-17-99

Motion -- carried Rogers moved that the Minutes be received and filed. Motion carried 6 to 0. (Knight absent)

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

## CENTURY II

### AMENDMENT TO STAGEHAND AGREEMENT - CENTURY II.

Agenda Report No. 00-0050.

Local 190 of the International Alliance of Theatrical Stage Employees (IATSE) provides the skilled labor required for the Century II stages. This local has provided this skilled labor for the City of Wichita for over 75 years going back to the days of the Forum. The labor cost for stagehands is paid directly by the clients of Century II and does not represent an operating cost for Century II. To stay competitive in today's job market, this group is requesting a cost of living salary adjustment.

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The last salary increase for this local was approved over eight years ago, effective April 15, 1991. They are asking for an 8.3% salary increase to be effective upon approval of this amendment, raising their base hourly salary from \$12.00 to \$13.00. Then a 3% increase to be effective on January 1, 2002, January 1, 2004, and January 1, 2006. Major clients and users of Century II stages, such as the Wichita Symphony and Music Theatre of Wichita, have reviewed and approved this request, indicating that they believe it to be fair and just.

During the negotiation of this salary adjustment, Local 190 agreed to move back the time when overtime begins from 12 midnight to 1:00AM and is included in this amendment. This will represent a major savings to concert promoters.

The cost of living increase will not effect Century II's operating budget, as stagehands are paid directly by clients of Century II that use the four main stages in the facility. Bad debts are the responsibility of the local's payroll company. The local also maintains their own liability insurance.

Motion --  
-- carried

Rogers moved that the Agreement amendment be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## TEEN CENTER

### CONTRACT – TEEN CENTER, INC.

Agenda Report No.

On December 7, 1999, the City Council approved funding assistance in the amount of \$50,000 for renovation of the Eclipse Teen Center for use as a multi-purpose teen center to provide youth with a safe and drug free environment for social and learning activities.

The Teen Center's Inc., a non-profit organization, will operate the Eclipse Teen Center located at 552 West Douglas. The Teen Center has entered into a partnership with Wichita's Promise, Wichita Police Department, USD 259, and other community groups to provide a variety of services and events for area teens ages 14 to 20.

A contract has been negotiated with the Teen Center's Inc., which establishes performance measures and funding. The contract term is January 1, 2000, to December 31, 2000.

The contract amount is \$50,000 and will be funded from the 1983 Home Improvement Mortgage Revenue Bond program closeout proceeds.

Motion --  
-- carried

Rogers moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

Motion -- carried

Cole moved that this Item be deferred until the end of the meeting. Motion carried 6 to 0. (Knight absent)

(Later in the meeting, the Council returned to this Item and action is shown below.)  
(Council Member Gale and Mayor Knight; absent)

## EATON PLACE (Item No. 24)

### EATON PLACE LOANS. (District VI)

Agenda Report No. 00-0051.

On April 20, 1999 and December 14, 1999, respectively, the City Council approved a CDBG loan for \$750,000 and a HOME loan for \$210,000 to MetroPlains Development, LLC (General Partners) as a part of the Eaton Place project financing.

Both City loans are anticipated to be amortized over a 15 year period at 5% interest. The annual principal and interest payments are subordinated to the HUD first mortgage and the equity investment. City loan payments and accrued interest are due and payable each year from cash flow above the agreed upon pro forma for the project. If annual cash flow exceeds the pro forma in any year, interest and principal are due to the extent that it exceeds the pro forma. Any unpaid interest will accrue from year to year to the unpaid balance. Any unpaid loan payments (including interest) are due upon sale of the property. Any cost savings in the project accrue to the City's CDBG loan first. MetroPlains Development, LLC may not reduce the General Partner equity below \$1.3 million dollars and receive the full amount of the City CDBG loan.

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MetroPlains Development, LLC has created a subsidiary, MDI Limited Partnership #71, to carry out the residential portion of the project. The City Council authorized MetroPlains Development, LLC to assign the City loans to MDI Limited Partnership #71 on October 19, 1999 for the purposes of obtaining tax credit financing for the project.

The City loans, as approved by the City Council, are silent regarding recourse to MetroPlains Development, LLC in the event of default. MetroPlains Development, LLC is requesting the City designate the loans as non-recourse to the General Partners in the event of default by MDI Limited Partnership #71. MetroPlains entered into an agreement with U.S. Bank to obtain the tax credit financing which states that all City loans are to be non-recourse. The City was not privy to the terms of the agreement between MetroPlains and U.S. Bank prior to Wednesday, December 22, 1999. MetroPlains Development, LLC asserts that if the City does not approve the request, MetroPlains may have to pay any loss of IRS tax benefits that U.S. Bank would incur if there were an adverse IRS action relative to the non-recourse status of the City loans.

Despite this assertion, MetroPlains proceeded with the bond closing based on the original language in the loan agreement between the City and MetroPlains.

The approval of non-recourse to MetroPlains Development, LLC in the event of default would mean the City would be totally dependent on the Eaton Place project for repayment of the City loans and would have no claim to the General Partners (MetroPlains). If there is default on the City loans prior to sale of the property and the City remains in third subordinated position, it is likely the City would receive no repayment of the loans. The City would continue to have a claim for repayment if the property is sold.

The City Council has the following options:

- (a) Modify the agreement as requested by MetroPlains making the City loans non-recourse;
- (b) Reaffirm the existing loan agreement with MetroPlains; or,
- (c) Modify the agreement to make the loans specifically recourse to MetroPlains Development, LLC.

Motion -- carried

Cole moved that the existing loan Agreement be reaffirmed. Motion carried 5 to 0. (Gale, Knight; absent)

**IRB - SHARPLINE**

(Gale present)

**PURCHASE OPTION - SHARPLINE CONVERTING, INC.** (District V)

Agenda Report No. 00-0052.

On May 17, 1994, City Council approved issuance of \$1 million in Industrial Revenue Bonds for Sharpline. The Bonds were issued to refund the 1988 Industrial Revenue Bond issue. Sharpline has decided to redeem the bonds and exercise its purchase option on the IRB-financed property.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for Series VI, 1994 Bonds, Sharpline has the option to purchase the facility from the City of Wichita for \$1,000 once all outstanding bonds have been paid. At the same time, upon receipt of Trustee certification that the bonds have been paid and receipt of \$1,000 from Sharpline, the City will deliver the instruments needed to deed the bond-financed property back to Sharpline and terminate the IRB lease. The City has received payment of the \$1,000 purchase option price.

The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

Motion --  
-- carried

Rogers moved that the Resolution be adopted and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

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## RESOLUTION NO. R-00-010

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Sharpline Investing Company and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

### PARK - CIP

#### 2000/2001 PARK CAPITAL IMPROVEMENT PROGRAM.

Agenda Report No. 00-0055.

The 2000 Capital Improvement Program (CIP) provides for improvements in a number of parks.

Following is a list of parks to be improved, the nature of the work, and the CIP budget.

<u>Project</u>	<u>Scope of Work</u>	<u>Funding Source</u>	
		<u>City</u>	<u>Other</u>
Arkansas River, Central-13 <sup>th</sup>	Bikepath	\$ 110,000	\$ 304,000
Zoo Blvd., Central – Westdale	Bikepath	135,000	395,000
Various Parks	Sports Court Repair	80,000	
Emery Park	Skate Facility	50,000	
Grove Park	Phase 1, Master Plan Implementation	200,000	
Land Acquisition and New Park Development	Comprehensive Plan Implementation	200,000	
Zoo Blvd. At Big Ditch	Pedestrian Bridge	70,000	402,000
Various Parks	Sidewalks and Paths	40,000	
Third Street Drain	Pedestrian Bridges	<u>80,000</u>	<u>222,000</u>
		\$965,000	\$1,323,000

The projects total \$2,288,000 of which \$965,000 will be funded with General Obligation Bonds. The other \$1,323,000 will be funded by Federal Grants administered by KDOT.

Motion --

Rogers moved that the project be approved; the Resolution be adopted; the Staff Screening and Selection Committee be authorized to select design architects/engineers; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

## RESOLUTION NO. R-00-011

A Resolution authorizing the issuance of bonds by the City of Wichita at large for public improvements in various parks (2000 Park Improvement Program) (472-83161) presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

### NE SUBSTATION

#### NORTHEAST MAINTENANCE SUBSTATION SITE MODIFICATIONS, 33RD STREET NORTH AND HILLSIDE. (District II)

Agenda Report No. 00-0054.

The Public Works Northeast Maintenance Substation was constructed in 1974 to accommodate Street Maintenance operations for the east half of the City.

In 1991, construction of the K-96 Highway severed the site and removed 80% of the work area, including all the outbuildings and nearly all storage and staging areas.

On October 15, 1996, the City Council authorized the selection of a design consultant to do a site study to recommend modifications necessary to continue operation of the present facility.

On March 24, 1998, the City Council approved the design and construction of the recommended site modifications.

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The low bid of Caro Construction for Phase I construction was approved by the City Council on May 4, 1999.

Initially a site and facility study was conducted of the existing Public Works Northeast Maintenance Substation. The objectives of the site and facility study were to determine the most cost effective strategy for restoration of the facility. The study included current and future maintenance functions and needs.

The approved design and recommended site modifications included expanding the existing substation to the west. Improvements to this property are limited by the living trust with Mr. James H. Schell. Therefore, construction of the approved modifications was done in phases.

Phase I construction includes paving the entire existing site area, site lighting, fencing, (chain link, ornamental iron, and concrete "adobe" wall), outside vehicular, equipment, and material storage, new covered storage and parking buildings, landscaping, renovation of the existing north metal pre-fab building and employee parking area. This work was bid in April 1999 and will be substantially complete January 2000.

Phase II construction will develop the Schell property to the west. Improvements include fencing (chain link, ornamental iron, and concrete "adobe" wall), paving of the entire area, site lighting, landscaping, and a new storage structure. This work is planned for 2000.

The 2000-2009 Capital Improvement Program (CIP) provides for \$2,1 million in Local Sales Tax Funds for modifications necessary to continue operations of the Northeast Substation (PB-350008, PROJECT #402-033, OCA #702035). \$1.6 million has been initiated through 1999. A detailed cost analysis is as follows:

Site Study	\$ 21,500
Design, construction documents, bidding and construction monitoring	\$ 125,000
Phase I construction	\$1,416,117
Phase II construction	\$ 537,383

Motion --  
-- carried

Rogers moved that Phase II construction be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance amending Section 3 of Ordinance No. 43-724 of the City of Wichita, Kansas, declaring K-96 Highway, from I-135 to the east City limits, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated cost thereof, and the manner of payment of the same and repealing the original thereof, introduced and under the rules laid over.

**SENECA STREET**  
(Item No. 28)

**SENECA STREET IMPROVEMENT, DOUGLAS TO MCLEAN BOULEVARD.** (District IV)

This Item was pulled from the agenda.

**BRIDGE PROGRAM**

**2000 BRIDGE IMPROVEMENT PROGRAM.** (Districts I, II, III, V, and VI)

Agenda Report No. 00-0053.

The 2000 Capital Improvement Program includes funds to improve six bridges.

The bridges to be reconstructed are:

- 10th St. Bridge at the Wichita Drainage Canal (construction)
- 33rd St. North Bridge at the West Drain of Chisholm Creek (construction)
- 53rd St. North Bridge at the Little Arkansas River (design and construction)
- 55th St. South Bridge at the Big Slough (construction)
- Northwest Bridge at the Wichita-Valley Center Floodway (study and design)
- Lincoln St. Bridge at Dry Creek (construction)

The program budget is \$5,160,000, with \$1,860,000 paid by the City and \$3,300,000 paid by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

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All of these bridge projects will require complete Street Closures in order to accomplish the necessary bridge rehabilitation and reconstruction work.

Motion --  
-- carried

Rogers moved that the project, Agreements, and street closures be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## ORDINANCE

An Ordinance declaring the 10<sup>th</sup> Street Bridge at the Wichita Drainage Canal, 33<sup>rd</sup> Street North Bridge at the west drain of Chisholm Creek, 53<sup>rd</sup> street North Bridge at the Little Arkansas River, 55<sup>th</sup> Street South Bridge at the Big Slough, Northwest Bridge at the Wichita-Valley Center Floodway, and Lincoln Street Bridge at Dry Creek (2000 Bridge Construction Program), 472-83166, to be main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated cost thereof, and the manner of payment of the same, introduced and under the rules laid over.

## AUBURN HILLS GOLF AMENDING RESOLUTION: AUBURN HILLS GOLF COURSE. (District V)

Agenda Report No. 00-0056.

On September 15, 1998, the City Council adopted a Resolution funding Phase I of the Auburn Hills Golf Course. On March 30, 1999, the City Council adopted a Resolution to complete funding for the project. The Law Department has recommended that the two Resolutions be combined.

There is no increase in the project budget or scope.

Motion -- carried

Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

## RESOLUTION NO. R-00-012

A Resolution amending Resolution No. R-98-427 of the City of Wichita declaring the advisability of constructing a golf course and related improvements on land located generally between Kellogg and Maple, and between 119th Street and 135th Street and authorizing the issuance of general obligation bonds of the City of Wichita to finance such improvements, and rescinding Resolution No. R-99-121 of the City of Wichita, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## YEAR-END BUDGET 1999 YEAR-END BUDGET ADJUSTMENTS.

Agenda Report No. 00-0057.

Final expenditures have been posted to the 1999 budgets. Budget adjustments are needed to accomplish fiscal year-end closing. Adjustments exceeding \$10,000 require City Council approval in accordance with the City's Administrative Regulations.

The first pay period in 2000 contains five days from 1999. Due to the timing of these year-end pay period dates, an accrual adjustment is required to accurately reflect all 1999 expenses within the 1999 fiscal period. In most cases, salary savings within the department are sufficient to offset this additional expense, but not in all cases. The total accrual will be over \$2.4 million. It is requested to authorize up to \$850,000 from the appropriated reserve (or within the departments' budgets, if possible) for the purpose of offsetting accrual expense in areas where a department would otherwise exceed the revised budget.

Additionally, monies budgeted in General Fund appropriated reserves or authorized in 1999 as a part of previous Council actions for projects not yet completed must be transferred into capital project accounts in order to preserve funding. These monies total \$547,400.

The Wichita Public Library was provided the opportunity to purchase key library materials at year-end to avoid price increases expected in 2000. Savings in salaries and benefits are available to fund the materials in the amount of \$15,000. The 2000 Library budget will be adjusted to account for these 1999 purchases.

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Due to debris cleanup and disposal costs associated with storms which caused extensive damage to trees throughout Wichita, a budget adjustment of \$20,000 is required in the Park and Recreation Department. Funding is available from savings in salaries and benefits in the Landscape and Forestry Division.

Increased revenue-generating activity at the Bob Brown Expo Hall in 1999 resulted in expenditures for room set-ups (paid to the Hyatt) and utilities that were \$16,400 in excess of budgeted amounts. Revenues more than offset the expenditures, and salary savings within the Park and Recreation budget are available for transfer to absorb the expense.

Finally, revenues in excess of expenditures for the City Hall parking complex were almost \$28,000 greater than budgeted, due to lower than expected electricity and maintenance costs and slightly higher rents received from City employees utilizing the garage. Revenues in excess of expenditures are transferred to the Debt Service Fund. Monies are available in the Property Management budget to fund the increased transfer.

Because of under-expenditures in various accounts, funding is available within each of the authorized funds/budgets. Appropriated reserves have been maintained (within legal levels and according to sound financial management). Funds are available to meet these needs without serious consequence to resources needed for future programs/operations.

Compliance with State budget requirements have been met, since all budget adjustments are within funds, and the final 1999 expenditure totals -- after the adjustments -- will not exceed the legally adopted 1999 expenditure authorizations.

Motion --  
-- carried

Rogers moved that the budget adjustments and transfers to capital project accounts be approved. Motion carried 6 to 0. (Knight absent)

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ JANUARY 4, 2000).**

- a. Amending Ordinance: Central Avenue Improvement - I-235 to West Street. (Districts IV and V)

#### ORDINANCE NO. 44-478

An Ordinance amending Ordinance No. 43-976 of the City of Wichita, Kansas, declaring Central Avenue from the I-235 Freeway to West Street (472-83014) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time.

Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- b. Citizen Participation Organization (Repealing Chapter 2.60).

#### ORDINANCE NO. 44-479

An Ordinance abolishing the Citizen Participation Organization and repealing Chapter 2.60 of the Code of the City of Wichita, read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- c. IRB - Execution and Delivery of First Amendment to the Lease (Coleman Company, Inc.).

#### ORDINANCE NO. 44-477

An Ordinance authorizing execution and delivery of first amendment to lease - Coleman Company, Inc., read for the second time. Rogers moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

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## PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 34 through 36 and 38 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- Rogers moved that Planning Agenda Items 34 through 36 and 38 be approved as consensus Items.  
-- carried Motion carried 6 to 0. (Knight absent)

(Item No. 33)

**Z-3345**

**Z-3345 - ZONE CHANGE FROM SF-6 SINGLE-FAMILY RESIDENTIAL TO GC GENERAL COMMERCIAL, LOCATED NORTH OF 47TH STREET SOUTH AND WEST OF BROADWAY.**  
(District IV)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 00-0058.

MAPC Recommendation: Approve, subject to platting within 1 year and the additional provisions of a P-O Protective Overlay District. (11-1).

Staff Recommendation: Approve, subject to platting within 1 year and the additional provisions of a P-O Protective Overlay District.

CPO Recommendation: Approve, subject to MAPD staff comments (5-0-1).

The applicant is requesting to rezone a 3.5 acre tract located north of 47th Street South and west of Broadway from "SF-6" Single Family Residential to "GC" General Commercial. The site is currently undeveloped and unplatted. The applicant is seeking the zone change to expand an existing vehicle sales lot about 2.6 acres in size located immediately east of the site requested for rezoning. The applicant's current vehicle sales lot is located further north on Broadway near 31st Street South, but there is not sufficient land available at that location to expand the business. If this request is approved, the applicant will move his car lot to this larger location.

The property south of the site is zoned "GC" General Commercial and is developed with a grocery store and an auto parts store. The property north of the site is zoned "LC" Limited Commercial and "SF-6" Single Family Residential and is developed with a restaurant, a motel, and single family residences. The property east of the site is zoned "GC" General Commercial and is developed with a recreational vehicle sales lot and a strip commercial center. The property west of the site is zoned "SF-6" Single Family Residential and is developed with single family residences.

At the meeting held on December 16, 1999, MAPC heard from one adjoining resident who protested the request, but they recommended approval (11-1) of the zone change subject to platting within 1-year and the following conditions of a Protective Overlay:

1. A six-foot masonry wall running the entire length of the west property line shall be constructed 10 feet east of the west property line. Buffer tree planting between the wall and the west property line shall be in conformance with the Landscape Ordinance.
2. The site shall be developed in accordance with the screening requirements of the Unified Zoning Code and the Landscape Ordinance.
3. Outdoor speakers and sound amplification systems shall not be permitted.
4. The following uses shall not be permitted: adult entertainment establishments, group homes, group residences, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment.
5. The following uses shall be prohibited within 200 feet of residentially-zoned property: service stations, convenience stores with gas islands, restaurants with drive-in or drive-thru facilities, and vehicle service or repair uses that have overhead doors facing those districts.
6. Light poles within 20 feet of the west property line shall be limited to 15 feet in height.

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Vice Mayor Rogers momentarily absent; Council Member Cole in the Chair.

Motion --

-- carried

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

**Z-3346**

**Z-3346 - ZONE CHANGE FROM LC LIMITED COMMERCIAL, B MULTI-FAMILY RESIDENTIAL AND SF-6 SINGLE-FAMILY RESIDENTIAL TO GO GENERAL OFFICE; AND DP-201 AMENDMENT #4 TO WILSON ESTATES RESIDENTIAL C.U.P., LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF WEBB ROAD.** (District IV)

Agenda Report No. 00-0059.

MAPC Recommendation: Approve, subject to conditions (13-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff comments (6-0).

The applicant proposes to amend the Wilson Estates Residential C.U.P. (DP-201) in conjunction with revision of the Wilson Property N.E. Commercial C.U.P. (DP-200). These two C.U.P.s share boundaries to the west and south of DP-200. In general, the applicant proposes to decrease the total acreage of Parcels 8 and 10 (DP-201) by 2 acres (this two acres is to be added to C.U.P. 200 and rezoned to "LC" Limited Commercial) and change the zoning on Parcel 8 from "B" Multi-Family Residential to "GO" General Office to allow for the development of an office park.

As proposed, DP-201 would be reconfigured the boundaries between Parcels 8 and 10 and would add uses to each parcel. Parcel 8 would increase in size from 16.74 acres to 18.09 acres and office uses would be allowed, in addition to the existing residential uses. A maximum of 95,000 square feet of office floor area ( $\pm 12\%$  FAR) would be allowed on this parcel. Parcel 10 would decrease in size from 18.40 acres to 15.01 acres and 4-plex uses would be added to the existing residential uses. The proposed changes also include the reduction of total dwelling units on these two parcels from 250 to 100 units. The changes in acreage represent an overall decrease in acreage for the C.U.P.

Other proposed changes to DP-201 are primarily clean-up changes to reflect platted lots and implied dwelling units. The maximum dwelling units for Parcels 4 and 7 would decrease to 45 and 47, respectively. The overall density of the C.U.P., if developed with the maximum number of units permitted (782) would be 3.26 dwellings units per acre.

The request would increase the number of access openings to Parcel 8, but would eliminate an access opening from the reconfigured Parcel 10 on 21st Street. This would leave two access openings for Parcel 10 on Webb Road.

The development of Parcels 8 and 10 will be a continuation of the development of Bradley Fair and the Wilson Estate property that has taken place over the past ten years. Any new development will follow the same architectural and landscape guidelines that are present in the previous development.

Surrounding land uses for the eastern portion of this C.U.P. are a mix of residential and commercial uses. To the north are single-family homes of the Peppertree subdivision. Currently, Prairie State Bank is the only commercial use on the southwest corner of 21st Street North and Webb Road, but other commercial uses are under consideration at this time. One other bank, Commerce Bank, is on the northeast corner of the intersection. The southeast corner is zoned "LC" Limited Commercial, but is currently vacant. Directly west of Parcel 8 is Alterra Assisted Living Center on property zoned "B" Multi-Family Residential. The remainder of this east portion of the Wilson Estates Residential C.U.P. is zoned for single-family homes, but is currently undeveloped.

At the CPO(2) meeting held December 13, 1999, the CPO voted 6-0 to approve the request subject to staff comments. The applicant, George Laham, presented the request to the Council and was in general agreement with MAPD staff comments. Staff had recommended that no buildings greater than single-story buildings shall be placed within 300 feet of the north property line for Parcel 8, which fronts on 21st Street North. Mr. Laham disagreed with this and suggested that 200 feet would be ample to protect the frontage from 2-story buildings. There were several citizens present at this meeting, generally to express their concerns regarding traffic, apartments

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along 21st Street North and the placement of office buildings along the 21st Street frontage. Most of these issues were discussed and addressed at a previous homeowner's meeting hosted by Mr. Laham and were addressed in the staff report that was presented to the CPO Council Members.

The MAPC heard this case on December 16, 1999. The applicant and his agent presented the request in conjunction with a request for rezoning and C.U.P. amendments on an adjacent C.U.P. Staff agreed to reduce the one-story building setback to 200 feet from 300 feet. Most of the discussion by the Planning Commission revolved around access to the adjacent C.U.P. The Planning Commission voted unanimously (13-0) to approve the zone change and amendments to the C.U.P., subject to the staff recommended conditions, including re-platting.

The ordinance establishing the zone change will not be published until such time as the plat is recorded with the Register of Deeds.

Motion --

Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

-- carried

**Z-3347**

**Z-3347 - ZONE CHANGE FROM SF-6 SINGLE-FAMILY RESIDENTIAL DISTRICT TO LC LIMITED COMMERCIAL DISTRICT; AND DP-200 AMENDMENT #1 TO WILSON PROPERTY N.E. COMMERCIAL C.U.P., LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND WEBB ROAD.** (District II)

Agenda Report No. 00-0060.

MAPC Recommendation: Approve, subject to conditions (13-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff comments. (6-0).

The applicant proposes to amend the Wilson Property N.E. Commercial C.U.P. (DP-200) in conjunction with revision of the Wilson Estates Residential C.U.P. (DP-201). These two C.U.P.'s share boundaries to the west and south of DP-200. The applicant proposes to exchange approximately 0.2 acres of property zoned "LC" Limited Commercial along the west boundary of DP-200 with approximately 2 acres of property in DP-201, which is zoned "LC" Limited Commercial and "SF-6" Single-Family Residential; approximately 1.8 acres of which will be rezoned to "LC". This "swap" of property will enlarge the Wilson Property N.E. Commercial C.U.P. at its west and south boundaries and increase the total acreage of DP-200.

A recent Administrative Adjustment to DP-200 shifted the boundaries between Parcels 1 and 2 to the west by 30 feet. It also reconfigured the boundary between Parcels 2 and 3 to allow for the enlargement of Parcel 2. The building setbacks were adjusted to match the reconfigured boundaries, with the building setback along the west boundary of Parcel 2 being reduced to 5 feet from 15 feet. Additionally, access control along 21st Street North and Webb Road was shifted in accordance with the revised property lines, which in turn shifts the 21st Street opening to Parcel 2 farther away from the intersection than originally permitted. Because of the close proximity of the access opening of Parcel 2 to the intersection, staff recommended that the applicant submit a guarantee for the future construction of a left turn medial if needed. The changes to access control along Webb Road shifted the allowed opening for Parcel 2 from 100 feet to 250 feet from the intersection and removed a joint opening, leaving only one opening for each of Parcels 2 and 3. This Adjustment left an "odd-shaped" Parcel 3, but it was done in anticipation of this Amendment to DP-200, which enlarges Parcel 3, making it a buildable lot and parcel.

Both the Administrative Adjustment and this Amendment were proposed to allow for a Walgreen's to be developed on Parcel 2 of DP-200. Because Walgreen's required more acreage than was existing on Parcel 2, it required enlarging, which left Parcel 3 as an unbuildable lot. The exchange of acreage from DP-201, Parcel 10, and the rezoning of that property allows for commercial development on a buildable Parcel 3.

This request would increase the number of access openings along Webb Road, specifically allowing for two openings to Parcel 3, in addition to the existing opening for Parcel 2.

The surrounding land uses outside of this C.U.P. include the residential C.U.P. (DP-201) to the west and south, part of which is proposed to be developed as a low-density office complex, and residential uses to the north. Property to the immediate east and across Webb Road is still vacant at this time, but zoned "LC" Limited Commercial and

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"TF-3" Two-Family Residential. Beyond these corner properties are large apartment complexes. Directly south of this C.U.P. property is zoned "SF-6" Single-Family Residential, but is currently being proposed as 4-plex townhouse development, which is permitted under the existing C.U.P. (DP-201).

At the CPO(2) meeting held December 13, 1999, the CPO voted 6-0 to recommend approval the request, subject to staff comments. The applicant, George Laham, presented the request to the Council and was in general agreement with the MAPD staff comments. Staff and Traffic Engineering had recommended that Parcel 3 be limited to only one point of access. The applicant had requested two, one of those being a driveway for an office park on the adjoining C.U.P. to the west. This would allow three points of access along Webb Road for this commercial C.U.P. The CPO council voted in favor of the staff recommendations, which limit the number of access points to two along Webb Road.

The MAPC heard this case on December 16, 1999. The applicant and his agent presented the request in conjunction with a request for rezoning and C.U.P. amendments on an adjacent C.U.P. (DP-201). Again, the applicant reiterated his request against the staff recommendations, requiring two openings for Parcel 3. In the discussion with the Planning Commission, staff pointed out that the southernmost portion of Parcel 3 would be retained by the adjoining C.U.P. so that this 50 feet could be used as a primary driveway for the office park to the west. This was a change made after the original request was made and would facilitate signage for the office park that would not be considered an 'off-site' sign. The Planning Commission was in agreement with the applicant that an access point, in addition to this driveway, should be permitted. The applicant stated that this additional access point would only be used if necessary, and in light of the applicant's development record along Rock Road, the Planning Commission agreed. This still limits the number of access points along Webb Road to one per parcel, but the driveway to the office park (adjacent C.U.P.) will serve as a second point of access for Parcel 3. The Planning Commission voted unanimously (13-0) to approve the zone change and amendments to the C.U.P., subject to the conditions discussed and subject to re-platting.

The ordinance establishing the zone change will not be published until such time as the plat is recorded with the Register of Deeds.

Motion --

Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

-- carried

**Z-3348 & CU-550**

**Z-3348 - ZONE CHANGE FROM LC LIMITED COMMERCIAL AND TF-3 TWO-FAMILY RESIDENTIAL; AND CU-550 - CONDITIONAL USE TO ALLOW OUTSIDE DISPLAY, LOCATED NORTH OF KELLOGG DRIVE AND WEST OF WOODCHUCK 200 FEET (8100 WEST KELLOGG).**  
(District V)

Agenda Report No. 00-0061.

APC Recommendation: Approve, subject to conditions (12-0-1).

Staff Recommendation: Approve Conditional Use, subject to conditions; and approve the request to expand 'LC' subject to the Conditions of a Protective Overlay.

CPO Recommendation: Approve, subject to MAPD staff comments (5-0).

The applicant, Ultra Modern Pool and Patio, is requesting a Conditional Use and a zone change ("TF-3", Two-family Residential to "LC", Limited Commercial) to allow outside display and future expansion area on property zoned ? LC? Limited Commercial. The application area is located north of Kellogg and 200 feet west of Woodchuck in a building previously used for furniture sales. Parking is located to the east of the building, with access to Kellogg.

The site is currently developed with a 16,900 square foot commercial building. The intention is to establish a wrought iron fenced area west of the existing building (an area 30 feet wide and 150 long) to be used as an outdoor retail display area for the business. The display area, along with the enclosed building on the site, would be used for the sales of above ground pools, pool accessories, furnishings, chemicals, spas, fireplaces, etc. The display area would also house two above-ground pools that are too large to be kept within the ten-foot distance required by the code.

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After the application was filed and advertised, staff learned that the applicant is also seeking approval for 5,000 square feet of outside storage to the rear of the existing building. This area is to be sandwiched between the back of the existing building and a proposed new 3,000 square foot storage building. The east and west side of the storage area would be fenced with a solid fence 8 feet high to completely enclose the storage area. A gate would be located on the east side of the storage area, facing the parking lot and the "LC" zoned land located next door. The Zoning Code permits up to 10 percent of the amount of enclosed building area to be used for outside storage in the Limited Commercial district "by right", up to 20 by Conditional Use. The amount of area sought in this case would exceed 20 percent and requires rezoning or a variance.

The Limited Commercial District permits "outdoor display" of merchandise that is offered for sale within a building if it is displayed within 10 feet of the building, subject to the following standards: merchandise can not be on public property; no required off street-parking spaces may be utilized for display; no food or drink may be displayed except with the approval of the Health Department and the outdoor display of motor vehicles, used appliances, used house wares, used building materials, rental vehicles and equipment are not permitted. The Office of Central Inspection has interpreted that this use is not similar to prohibited uses listed above, but is similar to a nursery or garden center.

The proposed Conditional Use must meet the appropriate Conditional Use provisions of Section III-D.6.z of the Uniform Zoning Code pertaining to nurseries and garden centers. Some of these provision are the location of the site being contiguous to an arterial or expressway, screening of mechanical equipment, lighting to be shielded away from adjoining properties (no string-type lighting permitted), no sound projecting devices or loudspeakers that can be heard beyond property lines, any repair or service of vehicles or equipment must occur within an enclosed building, and all vehicles used in conjunction with the business must be stored inside the main building, a garage, or other location as deemed appropriate by the Planning Commission within an adequately screened and enclosed compound on the property.

The rezoning request is for two lots located on the north end of the property. The zone change is being requested to provide for possible future expansion of the pool business. The applicant has agreed to build a masonry wall along Hendryx Street, at the 25-foot building setback line. A screening fence also will be required along the east line of the "TF-3" zoned lots if this request is approved, since there is Two-family zoning there today. The applicant has also agreed to plant trees at the rate of 1 tree per 30 feet along the north and east line where adjacent to or across the street from residential zoning.

The properties surrounding the application area are a mix of zoning districts and land uses. The lots to the north are zoned SF-6, Single-family and used for residential uses. To the east of the subject property are lots zoned "LC", Limited Commercial and "TF-3", Two-family residential that are vacant. The area to the south is Kellogg Highway. South of Highway 54 is "LI", Limited Industrial zoned land used for car sales. To the west is land that is approved for car sales on land zoned "LC" with a Community Unit Plan.

CPO 5 heard this case on December 15, 1999 and voted to recommend approval 5-0, subject to recommended conditions. None of the adjoining property owners spoke. MAPC heard the case on December 16, 1999 and recommended approval 12-0-1, subject to recommended conditions.

CPO5 heard this case on December 15, 1999 and voted to recommend approval 5-0, subject to recommended conditions. None of the adjoining property owners spoke. MAPC heard the case on December 16, 1999 and recommended approval 12-0-1, subject to recommended conditions.

Motion --

Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3348

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(Item No. 37)

**Z-3349 & CU-551**

**Z-3349 - ZONE CHANGE FROM MF-29 MULTI-FAMILY TO LC LIMITED COMMERCIAL; AND CU-551 - CONDITIONAL USE TO PERMIT A CAR WASH, LOCATED EAST OF MERIDIAN AND SOUTH OF ORIENT BOULEVARD.** (District IV)

Agenda Report No. 00-0062.

The applicant is requesting a Conditional Use permit to allow a car wash to be located within 200 feet of residential zoning. The applicant is also seeking a zone change from "NR", Neighborhood Retail to "LC", Limited Commercial. A car wash is first permitted in the "LC" district with a Conditional Use. The application area is a one-acre platted tract of land located at the southeast corner of Meridian and Orient.

The site plan shows a seven-bay car wash. All seven of the car wash bays are depicted as self-service. These wash bays are located approximately 48 feet west of the east property line. The plan also depicts four vacuums located east of the wash bays, on the eastern property line. Fourteen parking spaces are also shown along the east property line. These parking spaces are to be used for drying or vacuuming. The facility would have one access to Orient, located 120 feet east of the intersection of Orient and Meridian; and one to Meridian, located 60 feet south of the intersection of Orient and Meridian.

The site plan indicates that the southern most 125 feet of the application area will not be used by the car wash. No use has been identified for this vacant strip at this point in time. The applicant had to buy the whole parcel and the code requires the 60-foot separation distance from residential zoning used for permitted uses. Single-family homes are located south and southeast of the applicant's ownership. To the east is located an Eagles Lodge, a baseball diamond and vacant land. Railroad tracks are located north of the site.

Key Unified Zoning Code car wash "supplementary use requirements" include: buildings to be located at least 35 feet from arterials and 20 feet from other street right-of-way; 60 from the lot line of any residentially zoned lot, unless the property is being used for a nonresidential use permitted by-right in the underlying district; fencing, a minimum of six feet in height shall be provided along the interior side and rear property line, when adjacent to a dwelling; all area utilized for washing or drying, including ingress and egress, shall be paved; lighting shall comply with lighting standards in the code; no string-type lighting shall be permitted and signage as per the sign code.

Compatibility setbacks are required along side and rear lot lines adjacent to property zoned TF-3 or more restrictive. The minimum setback is 15 feet plus one foot for each five feet of lot width over 50 feet, up to a maximum of 25 feet.

Landscaping will be required per the "landscape ordinance".

The project complies with compatibility setback and supplemental requirements. A screening fence will have to be built along the perimeter where the "LC" zoning is adjacent to residential zoning, part of the east and the south property lines; and landscaping will have to be provided.

Council Member Gale

Council Member Gale asked that, if possible, the matter also be reviewed by the DAB.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Item be referred back to MAPC for consideration of protest petitions. Motion carried 6 to 0. (Knight absent)

-- carried

**PUD-11**

**PUD-11 - SEDGWICK COUNTY CAPITAL PROJECT DEPARTMENT REQUESTS PLANNED UNIT DEVELOPMENT FOR EXPANSION AND REDEVELOPMENT OF JUVENILE CORRECTIONAL FACILITY, LOCATED WEST OF I-135 AND SOUTH OF INDIANAPOLIS AND NORTH OF MORRIS.** (District I)

Agenda Report No. 00-0063.

MAPC Recommendation: Approve, subject to conditions (14-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff comments (7-0).

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Sedgwick County is requesting the establishment of Planned Unit Development (PUD) #11 for the purpose of expanding the County's juvenile correctional facility. The County's current facility is located south and west of Kansas Court, north of Morris Street and 100 feet east of Kansas Avenue. They would like to expand to the north and west of the existing facility, south of Indianapolis Street and east of Hydraulic. The entire site contains 9.89 acres, and is zoned "B", Multi-family Residential. Currently there are courtrooms and district attorney and probation offices, as well as residential facilities and parking on this site. In addition to the existing 33 beds and offices, they would like to add 108 beds, and additional space for programs and services. The detention facility appears to currently be a non-conforming use.

Primary access points are along Indianapolis to Kansas Court on the north and Morris to Minnesota on the south. The site plan also depicts one access point directly to Hydraulic, along the south property line. Twenty-foot building setbacks are shown along all but the southern area of the expansion area, which is showing a 25-foot setback, and a 15-foot setback along the west property line. Maximum building coverage is proposed to be 166,730 square feet, with building heights limited to a maximum of 35 feet and a total of 5 buildings. The uses proposed are: correctional facility, government service, group residence, and office and accessory utility use. The design layout is only one possible concept. The final design, including building materials and elevation design, must meet the requirements of this plan and be approved by the Director of Planning. All new building construction will employ one common material consistent with existing buildings. A 6-8 foot wall will be installed along the south line of the northern area of the site and along the west side of the site where there are properties fronting Kansas Avenue. A landscape plan consistent with the Landscape Ordinance shall be submitted for review and approval. A minimum of 220 parking spaces will be provided. Two signs consistent with the "B" Multiple-family Residential District will be permitted, except that they will be monument type signs and be limited to 16 feet in height. Exterior lighting shall be shielded and directed downward. Rooftop mechanical equipment is to be screened from ground view.

At the time of platting, drainage issues will be addressed. With approval of this PUD, parking will be allowed in the building setback along Kansas Court. Residentially zoned property prohibits parking within the building setback, unless a variance or administrative adjustment has been received. This PUD would waive the need for the variance or adjustment.

There are a variety of residential uses, including single-family, three-plex, four-plex and apartments. All uses except the apartments are zoned "B", Multi-family Residential. The apartments are zoned "LC", Limited Commercial. Sedgwick County is requesting the establishment of Planned Unit Development (PUD) #11 for the purpose of expanding the County's juvenile correctional facility. The County's current facility is located south and west of Kansas Court, north of Morris Street and 100 feet east of Kansas Avenue. They would like to expand to the north and west of the existing facility, south of Indianapolis Street and east of Hydraulic. The entire site contains 9.89 acres, and is zoned "B", Multi-family Residential. Currently there are courtrooms and district attorney and probation offices, as well as residential facilities and parking on this site. In addition to the existing 33 beds and offices, they would like to add 108 beds, and additional space for programs and services. The detention facility appears to currently be a non-conforming use.

Primary access points are along Indianapolis to Kansas Court on the north and Morris to Minnesota on the south. The site plan also depicts one access point directly to Hydraulic, along the south property line. Twenty-foot building setbacks are shown along all but the southern area of the expansion area, which is showing a 25-foot setback, and a 15-foot setback along the west property line. Maximum building coverage is proposed to be 166,730 square feet, with building heights limited to a maximum of 35 feet and a total of 5 buildings. The uses proposed are: correctional facility, government service, group residence, and office and accessory utility use. The design layout is only one possible concept. The final design, including building materials and elevation design, must meet the requirements of this plan and be approved by the Director of Planning. All new building construction will employ one common material consistent with existing buildings. A 6-8 foot wall will be installed along the south line of the northern area of the site and along the west side of the site where there are properties fronting Kansas Avenue. A landscape plan consistent with the Landscape Ordinance shall be submitted for review and approval. A minimum of 220 parking spaces will be provided. Two signs consistent with the "B" Multiple-family Residential District will be permitted, except that they will be monument type signs and be limited to 16 feet in height. Exterior lighting shall be shielded and directed downward. Rooftop mechanical equipment is to be screened from ground view.

At the time of platting, drainage issues will be addressed. With approval of this PUD, parking will be allowed in the building setback along Kansas Court. Residentially zoned property prohibits parking within the building setback, unless a variance or administrative adjustment has been received. This PUD would waive the need for the variance or adjustment.

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There are a variety of residential uses, including single-family, three-plex, four-plex and apartments. All uses except the apartments are zoned "B", Multi-family Residential. The apartments are zoned "LC", Limited Commercial.

CPO 1 considered this case on December 13, 1999 and recommended approval 7-0. No one spoke in opposition to the request. However, one person spoke of her concern over traffic congestion around the facility in the mornings and afternoons. The speaker also was also concerned that the County had its intake center located near a tavern on Morris Street. The MAPC heard this case on December 16, 1999 and recommended approval 14-0. No one spoke in opposition.

Motion --

Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

-- carried

## AIRPORT AGENDA

The City Council is meeting as the Wichita Airport Authority and the members of the governing body are the members of the Wichita Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

## CESSNA BONDS

### BOND RESOLUTION, LEASE AND RELATED DOCUMENTS - ISSUANCE OF TAXABLE AIRPORT SPECIAL FACILITY REVENUE BONDS - CESSNA AIRCRAFT COMPANY.

Bailis Bell

Director of Airports reviewed the Item.

Agenda Report No. 00-0064.

On November 16, 1999, the Wichita Airport Authority adopted a resolution required by Kansas Statute announcing the intent to issue \$12,700,000 in Taxable Airport Special Facility Revenue Bonds at the request of Cessna Aircraft Company.

The proceeds from the bond issuance will be used to cover capital expenditures associated with the construction of a 112,000 square foot Aircraft Completion Center, the construction having been completed.

The associated lease conveys to Cessna Aircraft Company the use of the facility located on Wichita Airport Authority property at Wichita Mid-Continent Airport. The term of the facility lease is 30 years and will be at no cost to Cessna in consideration for financing the improvements. Cessna will pay the Wichita Airport Authority land rent during the lease period. Cessna will pay all expense of the bond issuance.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the lease Agreement be approved; the Resolution be adopted and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

## RESOLUTION NO A 00-002

A Resolution authorizing the Wichita Airport Authority of the City of Wichita, Kansas, to improve, extend and enlarge the Wichita Mid-Continent Airport by the construction and equipping of an aircraft completion facility to be leased to the Cessna Aircraft Company; authorizing the issuance of taxable Airport Special Facilities Revenue Bonds, Series A, 2000 (The Cessna aircraft Company), in the aggregate principal amount of \$12,700,000; authorizing the execution of a trust indenture by and between the Wichita Airport Authority of the City of Wichita, Kansas and Intrust Bank, N.A., as Trustee; authorizing the Wichita Airport Authority of the City of Wichita, Kansas to lease the project to the Cessna Aircraft Company and authorizing execution of a lease between said Airport Authority and the Cessna Aircraft Company; and authorizing the execution of a Bond Purchase Agreement for the Bonds by and between the Airport Authority and Cessna Aircraft Company, as purchaser, presented. Rogers moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

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## EXECUTIVE SESSION

Motion --

-- carried

Rogers moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, legal advice, and contract negotiations, and the regular meeting be resumed at 12:25 p.m. in the City Council Chambers. Motion carried 6 to 0. (Knight absent)

RECESS

The City Council recessed at 11:40 a.m. and reconvened at 12:25 p.m.  
(Council Member Gale, Mayor Knight; absent)

Vice Mayor Rogers

Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

(The Council returned to take up Item No. 24 and action is shown in agenda order.)

RECESS

The City Council recessed at 12:27 p.m. and reconvened at 7:00 p.m.

Wichita, Kansas, January 11, 2000  
Tuesday, 7:00 p.m.

The City Council met in recessed session at the HeartSpring Conference Center, 8700 East 29th Street North, 7:00 p.m. Vice Mayor Rogers in the Chair. Council Members Gale, Lambke, Martz, Pisciotte, Rogers; present.  
(Council Member Cole, Mayor Knight; absent)

Chris Cherches, City Manager; Doug Moshier, Senior Assistant City Attorney; Pat Burnett, City Clerk; present.

A 99-36

### **A 99-36 - PUBLIC HEARING - THE CITY OF WICHITA SEEKS ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED SOUTH OF 45TH STREET NORTH, AND WEST OF WEBB ROAD TO THE CITY OF WICHITA, KANSAS.**

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-0048.

On November 9, 1999, the City Council adopted a resolution that established January 11, 2000, at 7:00 p.m. at the HeartSpring Conference Center, 8700 E. 29th Street North, Wichita, Kansas as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located west of Webb Road and south of 45th Street North.

This is the second phase of a three-phase annexation. The first phase became effective on October 22, 1999, and brought 120 acres into the City. The subject area of the second phase consists of approximately 26 acres and five (5) properties (all are unplatted). The land-use pattern consists of three (3) residential tracts and two (2) undeveloped tracts. The entire area is zoned "SF-20" Single Family Residential, and will convert to the "SF-6" Single-Family Residential district upon annexation (unless otherwise requested by the property owners).

An informational meeting regarding the proposed annexation was held on December 7, 1999 at 7:00 p.m., at the HeartSpring Conference Center, 8700 E. 29th Street North. No citizens attended the meeting.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area. Map No. 2 in the plan shows the properties proposed for annexation. The service and financial analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements of this annexation is \$145,090, which results in an initial annual City Ad Valorem tax revenue of approximately \$539.

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Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on November 29, 1999. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (12-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Vice Mayor Rogers

Vice Mayor Rogers inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Pisciotte moved that the Public Hearing be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 5 to 0. (Cole, Knight; absent)

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-36

ADJOURNMENT

The City Council meeting adjourned at 7:05 p.m.

Pat Burnett CMC  
City Clerk